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10/786,627	02/25/2004	Christopher E. Bales	BEAS-01381US0	3071
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,627

Applicant(s)

BALES ET AL.

Examiner

TUYETLIEN T. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 03/04/08. **This action is made non-final.**
2. Claims 1-66 are pending in the case. Claims 1, 18, 33 and 50 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/04/08 has been entered.

Claim Objections

4. Applicant's amendment corrects the previous objection and therefore, the previous object is withdrawn.

Claim Rejections - 35 USC § 112

5. Applicant's amendment corrects the previous rejections and therefore, the previous rejections are withdrawn.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

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As to claims 1 and 18, a "computer-implemented interactive tool" is recited. However, it appears that the tool would reasonably be interpreted by one of ordinary skill in the art as software, per se because elements included in the graphical interface are just software components (e.g., user interface and portal). Therefore, the tool as claimed in claims 1 and 18 would reasonably be interpreted by one of ordinary skill in the art as functional descriptive material. The functional descriptive material is nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759.

Claims 2-17, 19-32 are rejected as not remedying the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1-16, 18-31, 33-48, 50-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry et al (Pub No US 2003/0167315 A1; hereinafter Chowdhry) in view of Alcorn et al. (Patent No. US 6988138 B1; hereinafter Alcorn).**

As to claims 1, 33 and 50, Chowdhry discloses:

A machine readable medium having instructions stored thereon that when executed by a processor cause a system to provide a computer-implemented interactive tool that can configure a portal (e.g., see Figs. 1, 3 and [0001]), comprising:

a first user interface operable to manage the portal (e.g., see Fig. 10);

a second user interface operable to manage personalization of the portal (e.g., see Fig. 15 and [0101]);

wherein the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look & feel, a theme, a menu, and a layout; and wherein portal resources are associated with the desktop manually (e.g., see Fig. 3 and [0101]; note that a user can select any web-enabled object for use in populating his/her custom portal to define the look & feel of the portal; a user can further position a portlet at any location within the portal, see [0006]).

Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, it appears that Chowdhry teaches a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site. Even if it does not, implementing a portal operates to include a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site is disclosed by Alcorn (e.g., see col. 9 lines 10-34, col. 13 lines 11-19, col. 15 lines 14-22, col. 3 lines 43-46, col. 3 lines 56-67 through col. 4 lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the portal system taught in Chowdhry to include the role-based portal system taught in Alcorn to provide a portal that allows variations based on the characteristics of a visitor to a site. The motivation for the combination is to allow multiple types of users to access the features of the system as a function of their predefined role within the framework of the system (e.g., see col. 3 lines 43-46).

As to claim 18, Chowdhry discloses:

A computer-implemented interactive tool for configuring a portal (e.g., see Fig. 3 and [0001]), comprising:

a first user interface operable to manage the portal (e.g., see Fig. 10);

a second user interface operable to manage personalization of the portal (e.g., see Fig. 15 and [0101]);

a third user interface operable to manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]);

wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources based on visitor roles of the portal visitor (e.g., see [0230], [0247], [0255], [0260]); and

wherein the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look & feel, a theme, a menu, and a layout; and wherein portal resources are associated with the desktop manually (e.g., see Fig. 3 and [0101]; note that a user can select any web-enabled object for use in populating his/her custom portal to define the look & feel of the portal; a user can further position a portlet at any location within the portal, see [0006]).

Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, it appears that Chowdhry teaches a different type of entitlement operates to be assigned to the portal visitor based on a different role the portal visitor is capable of undertaking (note an administrator has the capability to set up user account, assign user to a user group, set default page to the user group; while guest user has no capability to edit or modify the pages, the user belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]). It also appears that Chowdhry teaches a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site. Even if it does not,

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implementing a different type of entitlement operates to be assigned to the portal visitor based on a different role the portal visitor is capable of undertaking as well as a portal operates to include a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site is disclosed by Alcorn (e.g., see col. 9 lines 10-34, col. 13 lines 11-19, col. 15 lines 14-22, col. 3 lines 43-46, col. 3 lines 56-67 through col. 4 lines 1-6). Accordingly, combining Chowdhry and Alcorn would meet the claimed limitations for the same reasons set forth in claim 1 above.

As to claims 2, 19, 34 and 51, Chowdhry further discloses at least one user interface operable to manage one of: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (e.g., see Figs. 30, 43).

As to claims 3, 20, 35 and 52, Alcorn teaches a desktop can be defined based on a template (e.g., see col. 8 lines 52-60 and col. 9 lines 10-34). Thus, combining Chowdhry and Alcorn would meet the claimed limitations for the advantage of allowing the ability to customize a portal pages while still conforming to consistent user interface feature (e.g., see Alcorn col. 9 lines 28-34).

As to claims 4, 21, 36 and 53, Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, it appears that Chowdhry teaches a desktop that is a specific view of a portal. Even if it does not, implementing a portal operates to include a desktop that is a specific view of a portal is disclosed by Alcorn (e.g., see col. 9 lines 10-34, col. 13 lines 11-19, col. 15 lines 14-22, col. 3 lines 43-46, col. 3 lines 56-67 through col. 4 lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to make the combination for the same reasons set forth in claim 1 above.

As to claims 5, 22, 37 and 54, Alcorn teaches a third user interface operable to define and/or manage a desktop (e.g., see col. 8 lines 52-67); and wherein the third user interface can render a preview

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of the desktop (e.g., see col. 8 lines 52-67). Thus, combining Alcorn and Chowdhry would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 6, 23, 38 and 55, Chowdhry further discloses the portal can be depicted graphically as a hierarchy of the at least one portal resources (e.g., see Fig. 43).

As to claims 7, 24, 39 and 56, Chowdhry further discloses the first user interface includes a context-sensitive editor (e.g., see Fig. 10).

As to claims 8, 25, 40 and 57, Chowdhry further discloses the first user interface includes a hierarchy browser (e.g., see Fig. 43).

As to claims 9, 41 and 58, Chowdhry further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (e.g., note an administrator has the capability to set up user account, assign user to a user group, set default page to the user group; while guest user has no capability to edit or modify the pages, the user belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]).

As to claims 10, 26, 42 and 59, Chowdhry further discloses an entitlement is based on a user role (e.g., note an administrator has the capability to set up user account, assign user to a user group, set default page to the user group; while guest user has no capability to edit or modify the pages, the user belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]).

As to claims 11, 27, 43 and 60, Chowdhry further discloses a third user interface operable to manage content (e.g., see Fig. 43); and wherein content is part of a virtual content repository (VCR) (e.g., see Fig. 43 and [0087], [0097], [0110], [0230]).

As to claims 12, 28, 44 and 61, Chowdhry further teaches that a user can drag and drop a portlet from the repository into a page to customize the portal web page (e.g., see Fig. 43, [0234], [0238], [0247]); Chowdhry further teaches that an administrative console can be used to manage the repository (e.g., see [0230], [0247]. Chowdhry and Alcorn do not expressly teach that modifying the VCR by dragging and dropping VCR nodes; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this feature in view of Chowdhry and Alcorn because Chowdhry suggests to the skill artisan that the administrator can manage and modify the repository and that a drag and drop operation can be used to customize a web portal page (e.g., see Fig. 43, [0234], [0230], [0238], [0247]). The motivation is to make it easier and convenient for a user to manage the repository by simply dragging and dropping a graphical object from one place to another.

As to claims 13, 29, 45 and 62, Chowdhry further discloses a portlet can dynamically present content (e.g., see Fig. 3).

As to claims 14, 46 and 63, Chowdhry further discloses a fourth user interface operable to manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]); and wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (e.g., note an administrator has the capability to set up user account, assign user to a user group, set default page to the user group; while guest user has no capability to edit or modify the pages, the user belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]). Even if Chowdhry does not, implementing determining what capabilities are available to a portal visitor for the at least one resources is disclosed by Alcorn (e.g., see col. 9 lines 10-34, col. 13 lines 11-19, col. 15 lines 14-22, col. 3 lines 43-46, col. 3 lines 56-67 through col. 4 lines 1-6). Accordingly, combining Chowdhry and Alcorn would meet the claimed limitations for the same reasons set forth in claim 1 above.

As to claims 15, 30, 47 and 64, Chowdhry further discloses the second user interface is operable to manage a content placeholder (e.g., see Fig. 15).

As to claims 16, 31, 48 and 65, Chowdhry further discloses the second user interface is operable to manage a content selector (e.g., see Fig. 43).

10. Claims 17, 32, 49 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry in view of Alcorn further in view of Flesner et al. (Pub. No. US 2002/0194267 A1; hereinafter Flesner).

As to claims 17, 32, 49 and 66, Chowdhry and Alcorn teach the limitations of claims 1, 18, 33 and 50 for the same reasons as set forth above in the rejections of claims 1, 18, 33 and 50. Alcorn further teaches an interface that allows the enterprise administrator to select options to allow or disallow instructor and student users to generate general organizations and discussion boards or limit organization/discussion board creation to the system administrator (e.g., see col. 25 lines 34-41). Therefore, it appears that the system of Chowdhry and Alcorn as taught in claims 1, 18, 33 and 50 comprises an interface operable to manage delegated administrator. Even if it does not, implementing an user interface operable to manage delegated administration is disclosed in Flesner (e.g., see [0101]-[0103], [0189]-[0191]). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the portal system taught in Chowdhry and Alcorn to include the user interface operable to manage delegated administration taught in Flesner to provide the ability to delegate specific portions of administration to trusted members of user communities. The motivation for the combination is to reduce workload for the administrators (e.g., see Flesner [0190]).

Response to Arguments

11. Applicant's arguments filed on 03/04/2008 have been considered but are moot in new ground(s) of rejection.

♦ In response to Applicant's arguments that the claims 1-32 as amended now conform to the requirements of 35 USC 101 (e.g., see Applicant's remark page 12), the examiner respectfully submits

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that amending the independent claims 1 and 18 from "computer-enabled interactive tool" to "computer-implemented interactive tool" does not make the claims statutory because all that included in the interactive tool are just software components (e.g., user interface and portal). Therefore, the tool as claimed in claims 1 and 18 would reasonably be interpreted by one of ordinary skill in the art as functional descriptive material. The functional descriptive material is nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759.

♦ In response to Applicant's arguments that since the desktop is amended to define that a desktop is a specific view of a portal that allows variations based on the characteristics of a visitor to a site. Therefore, the desktop as claimed can not be interpreted as equivalent to a portal (e.g., see Applicant's remark page 13), the examiner notes that Applicant's specification explicitly states in paragraph [0037] (e.g., see Pub. 2004/0230947 [0037] of the instant application) that:

"In one embodiment, a desktop can be a specific view of a portal, allowing for variations based on the characteristics of a visitor to a site. Thus, a desktop is a portal. For example, an employee and a customer might both visit a particular portal, but each can be directed to the appropriate desktop. Each desktop can have a distinct look and feel, organization of books and pages, and set of available portlets"

In light of this specification, Chowdhry and Alcorn teach the limitation of "a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site" as discussed in the rejection of claim 1 above.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one

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having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179